

**CANADA  
PROVINCE OF QUÉBEC  
REGIONAL COUNTY OFFICE  
OF ARGENTEUIL  
TOWNSHIP OF WENTWORTH**

**BY-LAW NUMBER 2022-012**

**BY-LAW DETERMINING THE APPLICABLE STANDARDS FOR  
THE CONSTRUCTION OF ROADS AND BRIDGES REPEALING  
BY-LAW NUMBER 2008-002**

**WHEREAS** the Municipal Council wishes to ensure adequate road service for all citizens and users of the Municipality of the Township of Wentworth;

**WHEREAS** the Municipal Council wishes to establish construction standards better adapted to the municipal territory;

**WHEREAS** it is therefore necessary to update our Road and Bridge Construction By-Law and to establish new standards;

**WHEREAS** a Notice of Motion of this By-Law was given as well as the Draft By-Law deposited at the Council Meeting of September 12<sup>th</sup>, 2022;

**THEREFORE** it is proposed by Councillor Pierre Demers and  
**RESOLVED**

**THAT** the Municipal Council of the Municipality of the Township of Wentworth adopt By-Law 2022-012 "By-Law determining the applicable standards for the construction of roads and bridges, repealing By-Law 2008-002 ", and orders and decrees as follows, namely:

**PREAMBLE**

**ARTICLE 1**

The preamble of the present By-Law forms an integral part.

**REPEAL**

**ARTICLE 2**

By-Law number 2008-002 "By-Law determining the applicable standards for maintenance and construction of roads and bridges, as well as the applicable standards for their municipalisation" is hereby repealed.

**ISSUANCE OF A ROAD CONSTRUCTION PERMIT**

**ARTICLE 3**

Any person or corporation wishing to construct a road or bridge must submit their project to the Municipality for approval. No clearing or construction of a road or bridge may commence until a permit has been obtained from the Municipality of the Township of Wentworth.

## **PLANS AND DOCUMENTS REQUIRED FOR A ROAD OR BRIDGE CONSTRUCTION PERMIT APPLICATION**

### **ARTICLE 4**

Any application for a building permit for the construction of a road, road extension or bridge shall be accompanied by the following documents, namely:

- 7.1 a road subdivision plan prepared by a land surveyor in accordance with the standards set out in the current Subdivision By-law;
- 7.2 a road profile plan prepared by a land surveyor, showing the slopes of the existing and proposed land;
- 7.3 the application for a subdivision permit shall be submitted to the Urbanism Consulting Committee for recommendation to Municipal Council;
- 7.4 A resolution of Municipal Council accepting the recommendation of the Urbanism Consulting Committee;
- 7.5 street design plans and specifications prepared by an engineer showing all of the following
  - 7.5.1 the width of the roadway and the composition of its foundation;
  - 7.5.2 location, width and grade of ditches;
  - 7.5.3 location, diameter and length of culverts;
  - 7.5.4 watercourses, lakes, ponds, marshes and bogs, where applicable;
  - 7.5.5 existing and proposed easements, if any;
  - 7.5.6 certificates of authorization from the Ministry of the Environment or Transportation or any other level of government, if required;

Any environmental permits or other certificates required are at the expense of the applicant.

### **ARTICLE 5**

All work, i.e. materials and their implementation, must comply with the general specifications of the *Ministère des Transports du Québec* in force. The construction plans must be signed and sealed by an engineer who is a member of the *Ordre des ingénieurs du Québec*.

### **ARTICLE 6**

The sketches attached to this By-Law as Annex "A" & "B" are an integral part of this By-Law and illustrate the required construction and dimensions for a private road (Annex "A") and for a municipal road (Annex "B").

## **LAND REGISTRY AND STAKING**

### **ARTICLE 7**

The road must be cadastrated at the expense of the taxpayers concerned. Finally, the applicant must undertake in writing to transfer the right-of-way of the road and/or bridge eventually destined to be public, in accordance with the standards set out in the Subdivision By-Law in force.

Any road proposed or intended to be transferred to the Municipality must constitute one or more distinct lots on the official cadastral plan or on a subdivision plan made and filed in accordance with the provisions of the Civil Code.

The right-of-way of the road shall be delineated by metal markers placed by a land surveyor in such a manner that the Municipality may know the exact route of the road.

## **TRANSFER OF ROADS**

### **ARTICLE 8**

In addition to the requirements specified in the other sections of this By-Law, the following conditions and other formalities shall also be executed and performed before the Municipality agrees to "acquire" the road bed which the owner requests to be transferred for the purpose of the Municipality assuming responsibility for the road bed:

- a) The road bed being transferred must be free and clear of any mortgage or other encumbrance;
- b) The road must abut a municipal road;
- c) Municipal Council may require the transferor of the road to grant a right-of-way or easement for the drainage of the road where surface water is to be drained onto private property;
- d) The owner shall comply with all requirements in the current Subdivision By-Law

In the event of a request to take over a road and/or bridge, the owner of the road and/or bridge must provide the Municipality with a report signed by an engineer who is a member of the *Ordre des ingénieurs du Québec*, attesting to the conformity of the road and/or bridge to the standards set out in Articles 4, 5 and 6.

The Municipality shall not be obliged to acquire or accept the transfer of a road notwithstanding compliance with all the requirements of this By-Law.

## **INSPECTION AND MONITORING OF THE WORK**

### **ARTICLE 9**

During the construction of the road and/or bridge, the municipal representative may go and verify that the work is carried out according to the plans and information provided.

A certificate of conformity signed by an engineer who is a member of the *Ordre des ingénieurs du Québec* attesting to the conformity of the road and/or bridge must be submitted to the Municipality.

### **ARTICLE 10**

Neither the acceptance in principle of the construction of a road, nor the acceptance of the plans and specifications for construction, nor the inspections that may be carried out by any municipal officer during the execution of the work, shall constitute an obligation on the part of the Municipal Council to accept the transfer of such road.

**SANCTIONS**

**ARTICLE 11**

Any person who contravenes one of the provisions of this By-Law is liable, without prejudice to the other redresses that could be taken against it, a fine of not less than \$ 300 and not exceeding \$ 1000 for a natural person and \$ 2000 for a corporate person. In the event of a repeat offence, it is liable to a fine that can be increased to \$ 2000 for a natural person and to \$ 4000 for a corporate person.

If payment is not made within the 30 days after a judgement has been rendered, the delinquent is liable for the sanctions provided for in the Code of Penal Procedure.

If an infraction lasts more than one day, the infraction committed on each day constitutes a separate infraction and the penalties enacted for each of the infractions can be imposed for each day that the infraction takes place.

**CIVIL RECOURSE**

**ARTICLE 12**

Notwithstanding remedies through penal actions, the Municipality may exercise, before tribunals of jurisdiction, all civil law remedies necessary to have the provisions of this By-Law respected, when the Council deems necessary or it may exercise all remedies concurrently.

**PENAL ACTIONS**

**ARTICLE 13**

The person designated to this end, by a Motion of the Council, institutes penal actions for and in the name of the Municipality.

**INTERPRETATIVE AND FINAL PROVISIONS**

**ARTICLE 14**

The French version of the present By-Law takes precedence over the English version regarding its interpretation.

**COMING INTO FORCE**

**ARTICLE 15**

The present By-Law will become effective according to the Law.

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**Jason Morrison**  
**Mayor**

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**Natalie Black**  
**General Manager, Clerk-Treasurer**

Notice of Motion:	September 12 <sup>th</sup> , 2022
Draft By-Law:	September 12 <sup>th</sup> , 2022
Adoption of By-Law:	October 6 <sup>th</sup> , 2022
Public Notice:	October 20 <sup>th</sup> , 2022